

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

JEANNE FEDOR,	)	
	)	
Plaintiff,	)	
	)	Case No. 08 C 50039
v.	)	
	)	The Hon. Judge Kapala
METROPOLITAN LIFE INSURANCE	)	
COMPANY and THE HOME DEPOT	)	Magistrate Judge Mahoney
LONG TERM DISABILITY PLAN <sup>1</sup> ,	)	
Defendants.	)	

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METROPOLITAN LIFE INSURANCE	)	
COMPANY, as a fiduciary of HOME	)	
DEPOT EMPLOYEE WELFARE	)	
BENEFITS PLAN	)	
	)	Case No. 08 C 50039
Counter-Plaintiff,	)	
	)	The Hon. Judge Kapala
v.	)	
	)	Magistrate Judge Mahoney
JEANNE FEDOR,	)	
	)	
Counter-Defendants.	)	
	)	

**PARTIES' PROPOSED CASE MANAGEMENT ORDER**

I. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held in Case No. 08 C 50039 on or around June 13, 2008 and was attended by:

David Bryant and Sandra Dye for Plaintiff Jeanne Fedor.  
Natalie Harris for Defendants Metropolitan Life Insurance Company and Home Depot Welfare Benefits Plan.

II. The Fed. R. Civ. P. 26(a)(1) material will be exchanged by July 1, 2008.

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<sup>1</sup> Defendant/Counter-Plaintiff has been incorrectly sued as "The Home Depot Long Term Disability Plan." Defendant/Counter-Plaintiff's correct name is "Home Depot Employee Welfare Benefits Plan."

III. Alternative Dispute Resolution Mediation. Counsels hereby certify that their clients have read the Pamphlet governing the court's mediation program, that counsels have discussed with their respective clients the available dispute resolution options provided by the court and private entities, and that counsels have given an estimation of the fees and costs that would be associated with the litigation of this matter, through trial, to their clients. Further, counsels have provided to their clients an estimate of the fees and expenses reasonably expected to be incurred through an early successful mediation. Counsels certify that they have discussed the available ADR options with their clients and have considered how this case might benefit from those options. Lastly, if this is a fee shifting case, defense counsels certify they have discussed the advantages and disadvantages of making a Rule 68 offer of judgment.

☒ Parties have agreed on early mediation. William Sneckenberg has been chosen as the mediator. The mediation has been scheduled for August 8, 2008. Discovery shall be stayed during the 60 days of referral\*. Pursuant to ADR local rules, this case is hereby referred to mediation. Counsels and parties will submit evaluations to the Court no later than August 18, 2008.

IV. Discovery Plan. The parties jointly propose to the court the following discovery plan:

In the event this case does not settle during mediation, the parties will present their positions to the Court regarding the proper scope of discovery in this matter in conjunction with their mediation evaluations. The parties will submit a proposed discovery plan following the Court's ruling on the scope of discovery.

Respectfully submitted,

**JEANNE FEDOR**

**METROPOLITAN LIFE INSURANCE  
COMPANY and HOME DEPOT  
WELFARE BENEFIS PLAN**

By: /s/ David A. Bryant

By: /s/ Natalie A. Harris

David A. Bryant  
Sandra M. Dye  
**Daley, DeBofsky & Bryant**  
55 W. Monroe St., Ste. 2440  
Chicago, IL 60603  
Tel: (312) 372-5200

Steven P. Mandell  
Brendan J. Healey  
Natalie A. Harris  
**Mandell Menkes LLC**  
333 W. Wacker Drive, Ste. 300  
Chicago, IL 60606  
Tel: (312) 251-1000

*Attorneys for Plaintiff*

*Attorneys for Defendants*

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\* Defendants maintain that discovery in this matter is limited to the administrative record. See *Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 982 (7th Cir. 1999).

**ENTER:**

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Dated

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that I caused the foregoing ***PARTIES' PROPOSED CASE MANAGEENT ORDER***, to be served on:

David A. Bryant  
Sandra M. Dye  
Daley, DeBofsky & Bryant  
55 W. Monroe Street, Ste. 2440  
Chicago, IL 60603

by ECF on this 17th day of June, 2008.